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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

19 CR 328 (JSR)

5 MARIO AMILCAR ESTRADA ORELLANA
6 and JUAN PABLO GONZALEZ
MAYORGA,

7 Defendants.

Conference

8 -----x

9 New York, N.Y.
August 5, 2019
4:30 p.m.

10
11 Before:

12 HON. JED S. RAKOFF,

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 BY: JASON RICHMAN

Assistant United States Attorney

18 LAW OFFICES OF ROBERT FEITEL, P.L.L.C.

19 Attorneys for Defendant Estrada

20 BY: ROBERT A. FEITEL

21 JESSE SIEGEL, ESQ.

Attorney for Defendant Mayorga

J8560REC

1 (Case called)

2 THE DEPUTY CLERK: Will everyone please be seated and
3 will the parties please identify themselves for the record.

4 MR. RICHMAN: Your Honor, good afternoon. Jason
5 Richman for the government.

6 THE COURT: Good afternoon.

7 MR. FEITEL: You're this is a more mundane matter that
8 was previously on your Honor's calendar. Robert Feitel for
9 defendant Mario Estrada, and your Honor excluded my client's
10 presence upon submission of a letter.

11 THE COURT: Yes.

12 MR. SIEGEL: Good afternoon Jesse Siegel for Mr.
13 Gonzalez Mayorga.

14 THE COURT: Good afternoon. Please be seated.

15 So I think all that remains to do is set a trial date.

16 How long a trial does the government contemplate?

17 MR. RICHMAN: Your Honor, cognizant of how quickly
18 your Honor moves, a week with the outside chance of bleeding
19 into a second week; but I think we can probably conclude things
20 within five trial days.

21 THE COURT: Does counsel agree with that?

22 MR. FEITEL: Your Honor, I think the government always
23 exaggerates how much time they are asking for because they
24 figure the court would cut it down and they want to protect the
25 record. Mr. Richman is a particularly candid prosecutor. I am

J8560REC

1 sure that is probably right. I think I will need a half a day
2 for defense case.

3 MR. SIEGEL: It seems reasonable, Judge.

4 THE COURT: So let's see what we have available. I
5 have a trial starting September 9th that is going to go for
6 three weeks. So we can do October. I have a trial
7 October 7th, but I honestly think that will probably be a plea.
8 So we can do October 7th. Now there is the Jewish holiday of
9 Yom Kippur in the middle of the work.

10 THE DEPUTY CLERK: You also will be sitting by
11 designation in Seattle.

12 THE COURT: No. That is October 21st.

13 THE DEPUTY CLERK: Yes. Sorry.

14 THE COURT: I think the latest date I could give you
15 consistent with the Speedy Trial Act would be starting on
16 Wednesday, November 6th and then the entire next week. So we
17 would have more than a week.

18 MR. RICHMAN: Your Honor, coincidentally we put our
19 heads together before today's proceeding and we had prepared to
20 propose to the Court November 4th, which I guess is that
21 Monday.

22 THE COURT: The only reason why I don't want to give
23 you November 4th is that I am sitting on the Second Circuit --
24 that November 4th and November 5th. While of course that will
25 prevent me from doing more important work, perhaps that will be

J8560REC

1 a trifle embarrassing. So November 6th sounds good if everyone
2 can sit.

3 MR. RICHMAN: That's fine, your Honor.

4 MR. SIEGEL: Judge, my co-counsel Mr. Sporn told me
5 that he has a trial which he thinks is very certain to go
6 beginning on November 12th. So it is really cutting it pretty
7 close.

8 THE COURT: How about this: Why don't we pick the
9 jury on Monday, November 4th. We can do that in the afternoon
10 and have opening statements if we have time. And then on the
11 afternoon of November 5th, we can get the first witness on the
12 stand and that way, given the government's predictions how long
13 it will take, we'll be through in time for your colleague.

14 MR. SIEGEL: I think that would work.

15 THE COURT: So that's what we'll do. We'll start the
16 trial November 4th, but it will be in the afternoon of the 4th
17 and the 5th and then full days thereafter.

18 Pursuant to Section 3161 of Title 18, I will exclude
19 the calculations under the Speedy Trial Act all time between
20 now and November 4th finding such time is necessary to prepare
21 for trial. For those, and other reasons, it is in the best
22 interest of justice in excluding such time and substantially
23 outweighs the interests of the public and defendants in a
24 speedy trial.

25 Anything else we need to take up today?

J8560REC

1 MR. RICHMAN: Your Honor, in the interest of
2 overdisclosure, I am informing the Court I am extremely
3 fungible and someone else will be doing the trial; but to
4 notify the Court that myself and AUSA Laroche who is also on
5 this case are both on trial and I am not asking for anything as
6 to the date but I am notifying the Court.

7 THE COURT: Thank you for bringing that to my
8 attention.

9 Anything from defense?

10 MR. FEITEL: No. Although, I disagree. I don't
11 believe Mr. Richman is completely fungible. So I would
12 disagree with Mr. Richman.

13 MR. RICHMAN: Thank you, your Honor.

14 THE COURT: Thanks a lot.

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